

REMARKS

Claims 1-56 are pending in the present application. Claims 22-37 and 42-56 have been withdrawn following a restriction requirement. Claims 1 and 38 are hereby amended. Claims 2, 20, and 21 are hereby cancelled. Upon entry of this amendment, fifty six (56) claims will be pending, of which five (5) are independent. No new matter will be incorporated into the present application by entry of this Amendment. The Patent Office is hereby authorized and requested to charge the fees that are required for entry of this Amendment to Deposit Account No. 061910.

Applicant wishes to note that the Examiner is also examining related co-pending patent application 10/009,291, entitled "Temporary Protective Covers".

In the Office Action mailed April 2, 2004, the Examiner: outlined the restriction requirement in the present application and requested affirmation of the provisional election made by telephone on March 13, 2003; rejected claims 1-9, 11-13, 16-19, and 21 under 35 U.S.C. 102(b) as being anticipated by United States Patent no. 5,302,449, Eby et al.; rejected claims 1-5, 10, and 20 under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication no. 2002/0176988, Medwick et al.; and rejected claims 14-15 and 38-41 under 35 U.S.C. 103(a) as being unpatentable over Eby et al. in view of United States Patent No. 6,677,063 (Finley).

The Examiner has outlined the restriction requirement in the present application and requested affirmation of the provisional election made previously by telephone. Applicant hereby affirms the provisional election, made with traverse, of the claims identified as Group I (i.e., claims 1-21 and 38-41).

The Examiner has rejected claims 1-9, 11-13, 16-19, and 21 under 35 U.S.C. 102(b) as being anticipated by United States Patent no. 5,302,449, Eby et al. Further, the Examiner has rejected claims 1-5, 10, and 20 under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication no. 2002/0176988, Medwick et al. Finally, the Examiner has rejected claims 14-15 and 38-41 under 35 U.S.C. 103(a) as being unpatentable over Eby et al. in view of United States Patent No. 6,677,063 (Finley). Applicant respectfully disagrees with each of these rejections, with the Examiner's characterization of the invention, and with the Examiner's characterization of the cited prior art.

Eby teaches a particular low-emissivity coating which in some embodiments includes as its outermost film an exceptionally thin abrasion-resistant overcoat comprising a metal oxide,

such as zinc oxide, at an optical thickness of between about 10Å and about 40Å. For a metal oxide overcoat having a refractive index of about 2, this equates to a physical thickness of between about 5Å and about 20Å. (See Eby, column 8, lines 7-19).

Medwick teaches two different types of removable coatings. (See Medwick, page 7, paragraph [0055], lines 1-8). The first type is a polymeric coating. The second type is a carbon-containing coating. Medwick expressly indicates that both types of coatings would not survive glass tempering. With respect to the removable polymeric coating, Medwick states “Typical tempering ovens operate in the range of about 1200° F.-1300° F (648° C.-704° C.). At these temperatures, the polymeric protective coating 16 discussed above should thermally decompose or burn off the substrate 12.” (See Medwick, page 7, paragraph [0053]). With respect to the removable carbon-containing coating, Medwick states “During tempering, the carbon-containing protective coating 16 would be oxidized and removed from the article 10.” (See Medwick, page 8, paragraph [0057]).

Applicant considers that the original claims define patentably over any combination of the cited art. In the interest of obtaining allowable claims at the earliest possible date, however, the present Amendment is being filed to focus on some of the embodiments Applicant intends to patent. The amended claims call for a substrate having a low-emissivity coating on one side and hydrophilic coating carrying a temporary protective cover on the other side, wherein the temporary protective cover is durable to glass tempering. Applicant submits that the structure of these embodiments is clearly distinguishable from the structure that would result from any modification or combination involving Eby, Medwick, and/or Finley.

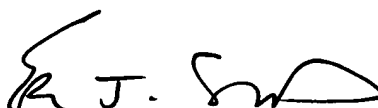
As noted above, Eby shows a low-emissivity coating. Low-emissivity coatings are not well suited for use on the exposed external surfaces of a window. Rather, they are generally used on the protected internal surfaces of an IG unit. This is true, in particular, for the low-emissivity coatings that are taught in the Eby patent. These coatings would not be used on either of the unprotected external surfaces of an IG unit. Rather, they would be used on one of the protected interior surfaces of an IG unit. Therefore, Applicant submits it would not be obvious to make any combination or modification involving the Eby reference that would result in this low-emissivity coating being used in any position other than on one of the protected internal surfaces of an IG unit.

Moreover, even if the low-emissivity coating of Eby were positioned on the internal surface of a pane bearing on its external surface one of the protective coatings of Medwick, the resulting structure would be quite distinguishable from the structure of the present claims. As noted above, neither of the coating types taught by Medwick are designed to survive glass tempering. Rather, Medwick teaches removable coatings that would burn off during tempering. Therefore, any combination of Eby and Medwick would fail to result in a substrate having a low-emissivity coating on one side and a temporary protective cover on the other side, where the temporary protective cover is durable to glass tempering. Accordingly, applicant submits that the amended claims are inventive over the cited prior art.

In view of the foregoing remarks, applicant submits that claims 1-21 and 38-41 are in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance the prosecution of this case.

Respectfully submitted,

October 2, 2004



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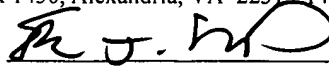
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